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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,823	03/08/2002	Charles A. Miller	M 10219	8006

27321 7590 01/20/2004

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EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,823

Applicant(s)

MILLER ET AL.

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 9-11, 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Sawyer (US patent no. 1,694,868). Sawyer discloses a pivoting motor mount comprising a pivoting platform (c), a base (a), a pivotal connecting means (b) between the base and the platform for pivoting the platform about an axis parallel to the shaft of the motor (m) and spring means (i) interposed between the platform and the base away from the pivotal connecting means for applying spring bias there between to springably resist the pull of the belt on the motor to apply tension (page 1, lines 100-105).

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Pfleger (US patent no. 1,960,506). Pfleger discloses a pivoting motor mount comprising a pivoting platform (21), a base (where plate where bolt 46 extend through), a pivotal connecting means (C) between the base and the platform for pivoting the platform about an axis parallel to the shaft of the motor (15) and spring means (52) interposed between the platform and the base away from the pivotal connecting means for applying spring bias there between to springably resist the pull of the belt on the motor to apply tension.

Claim Rejections - 35 USC § 103

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable either Sawyer (US patent no. 1,694,868) or Pfleger (US patent no. 1,960,506) over

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Bollinger, Jr. (US patent no. 4,372,180). Each of the references of Sawyer and Cook et al disclosed all the claimed features of applicant's invention except for the spring is a leaf spring wherein the leaf spring has a first end attached to the base and a second end slidingly engaging the platform. Bollinger teaches providing a leaf spring (26) for damping vibration wherein the leaf spring has a first end attached to the platform and a second end slidingly engaging the base. It would have been obvious to one of ordinary skill in the art to have substitute the coil spring of Sawyer or Cook with a leaf type spring as taught by Bollinger, Jr. as they are of known mechanical equivalents. Regarding claim 13, it would have been an obvious matter of reversal of parts by having the leaf spring first end attached to the base and a second end slidingly engaging the platform as such reversal of parts would have been well within the ambit of one of ordinary skill in the art.

Response to Arguments

Applicant's arguments filed 10/27/2003 have been fully considered but they are not persuasive. Regarding applicant's argument that figure 8 is generic because figures 3 and 4 does show the spring interposed between the platform and base. Examiner respectively disagrees, figure 4 clearly shows the spring disposed above and outside of platform (44) and base (9). Examiner stands that claim 8 is not generic to all species.

Applicant's arguments with respect to elected claims 8, 12, and 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Korie H. Chan
Primary Examiner
Art Unit 3632

khc
January 12, 2004